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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,312	06/23/2006	Masataka Togashi	291622US2PCT	9820

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EXAMINER	
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ART UNIT	PAPER NUMBER
2131	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/584,312	TOGASHI ET AL.	
	Examiner	Art Unit	
	Christian La Forgia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/23/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 23 June 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be a literal translation into English from a foreign document and are replete with errors.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 20, merely claimed as a computer program representing a computer listing *per se*, that is, descriptions or expressions of such a program and

that is, descriptive material *per se*, non-functional descriptive material, and is not statutory because it is not a physical "thing" nor a statutory process, as there are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program's functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 3-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0212828 A1 to Miyazaki et al., hereinafter Miyazaki.

10. As per claims 1 and 20, Miyazaki teaches a time certification server and program, comprising:

a receiving section that receives from a terminal apparatus an issue request for a time certification code and terminal information relating to the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D);

a temporal change information input section that inputs temporal change information (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057);

a first code generating section that generates a first code by encoding the temporal change information inputted by the temporal change information input section, and outputs the first code (paragraphs 0058-0062);

a second code generating section that generates a second code based on the terminal information received at the receiving section and the first code outputted from the first code generating section, and outputs the second code (Figure 6, paragraphs 0067-0072);

a transmitting section that transmits to the terminal apparatus the second code outputted from the second code generating section as a time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164);

a time certification code memory section that stores the time certification code transmitted from the transmitting section in correlation with time (Figures 2 [block 210], 4 [block 407], 6 [block 605], 10 [block 1005], 11 [block 1107], paragraphs 0038, 0039, 0046, 0069); and

a certification processing section that receives the time certification code from the terminal apparatus, searches the time certification code memory section by using the time

certification code received, thereby obtaining time correlating with the time certification code, and outputs certification information based on the time obtained to the terminal apparatus (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

11. Regarding claim 3, Miyazaki teaches wherein the receiving section inputs the terminal information including terminal identification information from the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D), and

wherein the second code generating section hashes the terminal information including the terminal identification information and the temporal change information, thereby thus generating the second code (Figure 6, paragraphs 0067-0072).

12. Regarding claim 4, Miyazaki teaches wherein the receiving section inputs from the terminal apparatus terminal positioning information that is obtained by measuring a position of the terminal apparatus (paragraphs 0175, 0176), and

wherein the second code generating section hashes the terminal information including the terminal positioning information and the temporal change information, thereby thus generating the second code (Figure 6, paragraphs 0067-0072).

13. Regarding claim 5, Miyazaki teaches wherein the receiving section receives from the terminal apparatus the terminal information including location-dependent information that is

available for the terminal apparatus to acquire at a position where the terminal apparatus is (paragraphs 0175, 0176),

wherein the second code generating section hashes the terminal information including the location-dependent information and the temporal change information, thereby thus generating the second code (Figure 6, paragraphs 0067-0072).

14. Regarding claim 6, Miyazaki teaches wherein the receiving section receives from the terminal apparatus the terminal information including terminal positioning information, which is obtained by a Global Positioning System (GPS) satellite by measuring a position of the terminal apparatus, and positioning time information, which is acquired from a satellite electronic clock of the GPS satellite (Figure 1 [block 105], paragraphs 0034, 0175, 0176); and the time certification server further comprising:

a server electronic clock that is synchronized with the satellite electronic clock of the GPS satellite (Figure 3, paragraphs 0034, 0040); and

a certification time recording section that stores in the time certification code memory section the positioning time information included in the terminal information and time information about time measured by the server electronic clock (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069).

15. Regarding claim 7, Miyazaki teaches wherein the receiving section inputs from the terminal apparatus the terminal information including a previously issued time certification code

(Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057),

wherein the second code generating section generates the second code based on the terminal information including the time certification code and the temporal change information (Figure 6, paragraphs 0067-0072), and

wherein the transmitting section transmits to the terminal apparatus the second code outputted from the second code generating section as a new time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

16. With regards to claims 8 and 18, Miyazaki teaches wherein the time certification code memory section stores the previously issued time certification code and the new time certification code in correlation with each other in a traceable manner (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069), and

wherein the certification processing section, upon receipt of the time certification code from the terminal apparatus, retrieves from the time certification code memory section a time certification code that correlates with the time certification code received, and outputs to the terminal apparatus the certification information that is acquired from the time certification code retrieved (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

17. Regarding claim 9, Miyazaki teaches a condition checking section that detects whether information acquired from the terminal information meets a predetermined condition (Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164), and

a special code instruction section that instructs the second code generating section to add a special code indicating that the information acquired from the terminal information meets the predetermined condition when the condition checking section detects that the information acquired from the terminal information meets the predetermined condition (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

18. Regarding claim 10, Miyazaki teaches a condition checking section that detects whether information acquired from the terminal information meets a predetermined condition (Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164), and

an inhibiting section that inhibits the second code generating section from generating the second code when the condition checking section detects that the information acquired from the terminal information meets the predetermined condition (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

19. Regarding claims 11 and 19, Miyazaki teaches wherein the temporal change information input section connectable to a plurality of source devices, each providing the temporal change information, selects one of the plurality of source devices based on time, thereby thus inputting the temporal change information (Figures 1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057).

20. With regards to claim 12, Miyazaki teaches wherein the temporal change information input section selects the one of the plurality of source devices at random, thereby thus inputting

the temporal change information (Figures 1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057).

21. As per claim 13, Miyazaki teaches a terminal apparatus, communicating with a time certification server for time certification, comprising:

a time certification code issue requesting section that transmits to the time certification server an issue request for a time certification code and terminal information relating to the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D), and

a stamping section that receives the time certification code from the time certification server, and prints time that is certified by the time certification code together with the time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

22. Regarding claim 14, Miyazaki teaches a time verification section that receives and transmits to the time certification server the time certification code printed by the stamping section, and requests the time certification, thereby verifying an authenticity of the time printed by the stamping section (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

23. As per claim 15, Miyazaki teaches a time certification method, which is performed by a time certification system that includes a terminal apparatus and a time certification server, comprising:

the terminal apparatus:

transmitting an issue request for a time certification code and terminal information relating to the terminal apparatus to the time certification server (Figures 7 [block 702], 12 [block 1202], paragraphs 0077, 0157);

the time certification server:

receiving from the terminal apparatus the issue request for the time certification code and the terminal information relating to the terminal (Figures 7 [block 703], 12 [block 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D);

inputting temporal change information from a source device that provides the temporal change information (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057);

generating a first code by encoding the temporal change information, and outputting the first code (paragraphs 0058-0062);

generating a second code based on the terminal information and the first code, and outputting the second code (Figure 6, paragraphs 0067-0072);

transmitting the second code to the terminal apparatus as a time certification code (Figures 7 [block 707], 12 [block 1210], paragraphs 0073, 0164);

storing the time certification code in a time certification code memory section in correlation with time (Figures 2 [block 210], 4 [block 407], 6 [block 605], 10 [block 1005], 11 [block 1107], paragraphs 0038, 0039, 0046, 0069);

the terminal apparatus:

transmitting the time certification code to the time certification server and requesting time certification (Figures 7 [block 702], 12 [block 1202], paragraphs 0077, 0157),

the time certification server:

receiving the time certification code from the terminal apparatus (Figures 7 [block 703], 12 [block 1203], paragraphs 0077, 0157); and

searching the time certification code memory section by using the time certification code received, thereby obtaining time correlating with the time certification code, and outputting to the terminal apparatus the certification information based on the time obtained (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

24. Regarding claim 16, Miyazaki teaches wherein the terminal apparatus measures a position of the terminal apparatus, and transmits the terminal information including terminal positioning information obtained by measuring the position to the time certification server (paragraphs 0175, 0176), and

wherein the time certification server receives from the terminal apparatus the terminal information including the terminal positioning information, and hashes the terminal information including the terminal positioning information and the temporal change information, thereby thus generating the second code (Figure 6, paragraphs 0067-0072).

25. Regarding claim 17, Miyazaki teaches wherein the terminal apparatus transmits to the time certification server the terminal information including a previously issued time certification

code (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057), and

wherein the time certification server inputs from the terminal apparatus the terminal information including the previously issued time certification code, generates the second code based on the terminal information including the time certification code and the temporal change information, and transmits the second code to the terminal apparatus as a new time certification code (Figure 6, paragraphs 0067-0072).

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

27. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Japanese Patent Publication Document 2001-297062 to Togashi et al, hereinafter Togashi.

28. Regarding claim 2, Miyazaki teaches wherein the temporal change information input section inputs the temporal change (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057), and wherein the temporal change information is combined with a random number seed (paragraphs 0058-0062).

29. Miyazaki does not teach wherein the temporal change information includes weather information and wherein the first code generating section hashes the temporal change information including the weather information, thereby thus generating the first code.

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the random number seed with a hash function since Miyazaki states at paragraph 0072 that hash functions are difficult to duplicate and provide against collision resistance.

31. Togashi teaches wherein the temporal information includes weather information (see Applicant's specification, paragraph 0003).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the temporal change information include weather information, since it has been held that combining two well-known practice requires routine skill in the art. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. The following patents are cited to further show the state of the art with respect to servers that certify time, such as:

United States Patent No. 7,200,682 B2 to Miyazaki et al., which is cited to show the patent that issued from the pre-grant publication used to reject the claims of the instant application.

United States Patent No. 2005/00094178 A1 to Anno, which is cited to show certifying time in a network printing environment.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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clf